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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,906	06/02/2000	KATY DRIEU	427.035	9289
7:	590 01/18/2002			
CHARLES A MUSERLIAN			EXAMINER	
600 THIRD AV	- 1	AS	SRIVASTAVA, KAILASH C	
NEW YORK, I	NY 10016		ART UNIT	PAPER NUMBER
			1651	
			DATE MAIL ED: 01/18/2003	, ''

Please find below and/or attached an Office communication concerning this application or proceeding.

O#555,906 DRIELL KATY Examiner DR. Kallash C. Srivastava 1651 -The MAILING DATE of this communication appears on the cover sheat with the correspondence address → THE REPLY FILED 07 December 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be other: (1) a timely filed amendment which places the application in considerate; (2) a timely filed Notes of Appeal (with a special for the proper filed Notes of Appeal (with a special for the proper filed Notes of Appeal (with a special for the proper filed Notes of Appeal (with a special for the proper filed Notes of Appeal (with a special for the proper filed Notes of Appeal (with a special filed Notes of Appeal (with a special filed Notes) in compilarities of the filed Notes of Appeal (with a special filed Notes) in the filed Notes of Appeal (with a special filed Notes) in the filed Notes of Appeal (with a special filed Notes) in the filed Notes of Appeal (with a special filed Notes) in the Appeal filed Notes of Appeal (with a special filed Notes) in the Appeal filed Notes of Appeal (with Appeal filed Notes) in the Appeal filed Notes of Appeal (with Appeal filed Notes) in the Appeal filed Notes of Appeal was filed to this Advanced and the corresponding amount of the Cent. The appopriation steed in the share perfect of the filed special control the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shartened statistory period for reply ciginally set in the filed Notes of Appeal was filed on 12 Cotobor up to Chrotical the International Control of the Filed Properties of the filed Notes of Appeal was filed on 12 Cotobor up to Chrotical the International Control of the filed Notes of Appeal was filed on 12 Cotobor up to Chrotical the International Control of the Appeal was filed on 12 Cotobor up to Chrotical the International Control of Appeal was filed on 12 Cotobor up to		Application No.	Applicant(s)					
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ATTACHMENT TO ADVISORY ACTION

The response filed December 17, 2001 (Paper Number 10) under 37 CFR 1.116 in 1. reply to the final rejection mailed 07/17/2001 (Paper Number 8) has been considered but is not deemed to place the application in condition for allowance because: of the reasons of record on pages 2-3, item 6 of the Office Action Dated 07/17/2001 (Paper Number 8).

Lastly, the art rejections of record will be maintained. In response to this rejection, the applicant argues that the claimed invention would not have been obvious to an artisan of ordinary skill from the disclosure in the prior art references that the Examiner has cited. Argues further the applicant that, an artisan of ordinary skill would not have been motivated by the disclosures in the prior art that the examiner cites so as to combine them to successfully obtain the claimed invention. The applicant also argues that, "the combination is improper and requests withdrawal of grounds of rejections (Please see Page 3, Lines 23-24 of the response Document) that the Examiner has presented.

Applicant's arguments regarding the Prior art references in the reply filed on 12/07/2001 (Paper Number 10) have been fully considered in view of claims 2-8 and 10-13, but are not persuasive. The claims remain obvious for the following reasons:

A. Claim(s)

- teach a method to overcome withdrawal symptoms of substance dependency by administering an extract of Ginkgo biloba to ease withdrawal symptoms,
- 11 essentially reads on easing any symptoms of withdrawal,
- the substance being abused is anyone of alcohol, amphetamines or tobacco,
- the Ginkgo extract is comprised of ginkgolides A or B or acylated, alkoxylated or glycosylated ginkgolides, and
- the concentration of gingkolides is up to 50%.
- B. Among the cited References:
- a. Remington's Pharmaceutical Sciences teaches:
 - alcohol, amphitamines, cigarette (tobacco) smoke and other drugs may cause addiction,



the symptoms of addiction are the same as those manifested upon withdrawal from addiction of above-mentioned drugs, wherein symptoms are (for e.g.,): confusion, disorientation, headache, hallucination, insomnia, and nausea (Page 1291, Column 1, Para 1). Additionally cigarette smoking also renders cerebrovascular insufficiency.

b. The cited prior art (Hsia et al., Kleijnen et al., and Park et al.) teaches that Gingko biloba extract is comprised of:

- gingkolides (Klejinen et al., Page 1138, Column 1),
- methods to synthesize gingkolide B derivatives (Park et al., Column 1, Lines 10-20, Column 4, Lines 20-39 and Lines 51-65) similar in structure to those recited in Claims 6-8 of instant invention,
- Park et al., disclose acetylated and alkoxylated gingkolides.
- c. Although, Park et al., and Klejinen et al., do not disclose synthesis of glycosylated gingkolides, from their teachings, an artisan of ordinary skill armed with the knowledge that at the time the claimed invention, methods to acetylate and alkoxylate ginkgolides were known, would have been motivated to synthesize glycosylated gingkolides through substitution of mono-, di-, or polysaccharides to obtain the claimed glycosylated gingkolides and subsequently incorporate the said synthesized glycosylated gingkolides in the pharmaceutical composition that Kleijnen et al., disclose.
- d. The cited prior art references (Hsia et al., and Kleijnen et al.) teach that:
 - absent mindedness, confusion and headache are overcome with the administration of Gingko biloba extract (Hsia et al., Column 4, Lines 34-39),
 - absent mindedness, anxiety, depression and dizziness and headache are treated with pharmaceuticals comprising Gingko biloba extracts (Kleijnen et al., Page 1136, Column 2, Lines 1-4).

Thus, the cited references show that at the time of the invention, it was well known in the art that gingko extract containing ginkgolides A and B or derivatives of ginkgolide B are useful in overcoming symptoms that are also manifested by an individual rehabilitating from drug addiction. Based on the disclosure by Hsia et al., Kleijnen et al., and Park et al., that the ginkgo extract containing ginkgolides A and B, or derivatives of ginkgolide B referred in the cited references are used in pharmaceutical compositions to treat symptoms that are manifested by an individual undergoing drug addiction rehabilitation, an artisan of ordinary skill would have had a reasonable expectation that a combination of all these substances would also be useful to ease withdrawal symptoms in an individual undergoing drug addiction rehabilitation. Therefore, the artisan would have been motivated to combine all these components into a pharmaceutical preparation for the intended purpose.

Thus, applicant's arguments have been considered, however, these arguments are not persuasive because a showing to overcome a prima facie case of obviousness must be clear and convincing (In re Lohr et al., 137 USPQ 548).

- 2. In sum, Claims 2-8 and 10-13 fail to be patentably distinguishable over the state of the art discussed above. Therefore, the claims are properly rejected under 35 U. S. C. § 103 (a).
- 3. No claims are allowed.
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (703) 605-1196. The examiner can normally be reached on Monday to Thursday, from 8:30 A.M. to 6:30 P.M. (Eastern Standard or Daylight Saving Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (703) 308-4743 Monday through Thursday. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Kailash C. Srivastava, Ph.D. Patent Examiner Art Unit 1651 (703) 605-1196

KCS January 15, 2002

PRIMARY EXAMINER